



# San Diego City Attorney Jan I. Goldsmith

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## NEWS RELEASE

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### CITY WINS PENSION OVERTIME CASE

**San Diego, CA:** The City of San Diego has won a case brought by the San Diego Firefighters Union, Local 145, and others which sought to add overtime in calculating pension benefits. If successful, the case, could have added significant benefits to employees who work overtime, resulting in higher pension contributions by the City. Every current, former and future City employee could have sought to have overtime pay included in their pensionable salary.

The firefighters union argued that where an employee is regularly scheduled for overtime, the overtime pay should be included in the base compensation for purposes of calculating retirement, supporting a statement contained in the earnings code document.

Judge Judith Hayes determined that the governing statute expressly excludes overtime and/or any premium pay in calculating retirement compensation – Municipal Code section 24.0103. The Court's final ruling is attached.

“This is a big win for the City,” said City Attorney Jan Goldsmith. “Deputy City Attorney Walter Chung did an excellent job in defending the City and saving taxpayers tens of millions of dollars. I hope the word is getting out that these lawsuits against the City seeking to expand pension benefits beyond what the law permits are a complete waste of time and money.”

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